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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 EKO BRANDS, LLC,

9 Plaintiff,

10 v.

11 ADRIAN RIVERA MAYNEZ  
12 ENTERPRISES INC. et al.,

13 Defendants.

C17-894 TSZ

MINUTE ORDER

14 The following Minute Order is made by direction of the Court, the Honorable  
15 Thomas S. Zilly, United States District Judge:

16 (1) Defendants' Motion to Dismiss Plaintiff's Complaint, docket no. 14, is  
17 DENIED. Plaintiff's claims in this action for trademark infringement, Lanham Act and  
18 Consumer Protection Act violations do not arise from the same transaction or occurrence  
19 as the patent infringement claims in Eko Brand v. ARM, et al., Cause No. 15-522RSL  
20 ("Prior Litigation"). As a result, plaintiff's claims were not compulsory counterclaims in  
21 the Prior Litigation under Fed. R. Civ. P. 13(a). The Court also concludes that plaintiff's  
22 complaint alleges sufficient facts to state a claim for relief that is plausible on its face  
23 under Ashcroft v. Iqbal, 556 U.S. 662 (2009).

(2) The Clerk is directed to send a copy of this Minute Order to all counsel of  
record.

Dated this 6th day of October, 2017.

William M. McCool  
Clerk

s/Karen Dews  
Deputy Clerk